

Minutes of the Water Pollution Control Board
Northwestern Indiana Regional Planning Commission
6100 Southport Road
Auditorium
Portage, Indiana
Wednesday, August 9, 2006

1. CALL TO ORDER

The meeting was called to order at 1:30 p.m. by Chairperson Gary Powdrill. A quorum was present.

Members present: Gary Powdrill (Chairperson); Dave Wagner; Lee Botts; Ted Alexander; Chad Frahm (proxy for Lt. Gov. Becky Skillman); Jim Ray (proxy for Kyle Hupfer, IDNR); Jim Staton (substitute proxy for Patricia R. Miller, Sec. of Commerce); and Deborah Albright (board counsel).

Present for IDEM: Thomas W. Easterly, IDEM Commissioner; Bruno Pigott, Assistant Commissioner, Office of Water Quality (OWQ); Martha Clark Mettler, Deputy Assistant Commissioner, OWQ; James Robb, Wetlands Section, OWQ; and Nancy King, Chief, Rules and Legislative Section, Office of Legal Counsel.

2. ANNOUNCEMENTS

Chairperson Powdrill introduced the board members and announced their affiliations.

3. APPROVAL OF MINUTES

A motion was made and seconded to approve the May 10, 2006, WPCB minutes. The WPCB minutes were unanimously approved.

4. REPORTS

Managerial Announcements – Mr. Pigott announced MaryLou Renshaw as the new chief of Watershed-Planning Branch and Paul Higginbotham as the new chief of Permits Branch.

Commissioner Easterly introduced Hala Kassis Kuss as the new director of Northwestern Indiana Regional Office in Merrillville, Indiana.

Wastewater Operators' Certification – Mr. Pigott indicated that the scheduled workgroup meeting for August 10, 2006, would be the final meeting to work through issues dealing with ownership responsibilities, qualifications for taking exam, and number of plants an operator can manage.

Mr. Dave Wagner conveyed that the workgroup's goal was to bring the rulemaking before the board for preliminary adoption in late Winter 2006 or early Spring 2007.

Sanitary Surveys, Operator Requirements & minor changes Rule – Mr. Pigott reported that the Office of Management and Budget approved the final rule's fiscal impact on May 30, 2006.

Antidegradation Rulemaking – Ms. Mettler indicated that the internal workgroup was still working on practical approaches to implement the program.

Wetlands Issues - Ms. Mettler spoke about the progress of the wetland science advisory group and the wetlands policy workgroup. She also thanked Marty Maupin, Wetlands Section, for arranging the wetlands tour at Coffee Creek Park's Watershed Preserve.

Chairperson Powdrill thanked Ms. Lee Botts for her expertise in the local area of northwest Indiana.

5. RULE ACTIONS

A. #05-218 (WPCB) Combined Sewer Overflows (CSO) Wet Weather

Chairperson Powdrill opened the public hearing for preliminary adoption of amendments to rules and a new rule for CSO Wet Weather Sub-categories.

Ms. King discussed how the CSO rule was required by SEA620 to establish the sub-category for waters recognizing CSO if communities have a use attainability analysis and long term control plans. She articulated that the draft rule language addressed federal issues.

There were four public commenters: Mr. Tom Anderson, Executive Director, Save the Dunes Council; Ms. Constance Clay, Resource Specialist, Save the Dunes Council; Ms. Charlotte Read, concerned citizen; and Mr. Jim Myer, attorney, Northwestern Indiana.

Public hearing concluded.

A board discussion began about how the proposed rule would provide opportunities for cities and towns to move forward.

With only one opposing vote against the rules, the board voted to preliminarily adopt the proposed rule.

B. #05-322 Amendments to Date Extension in the CAFO final rule for Readoption

Commissioner Easterly explained that EPA basically objected to Indiana's amended compliance deadlines within the rule; therefore, in order to avoid potential conflict with EPA, IDEM was presenting a recalled version of the rule.

Ms. King explained the recall process along with IDEM's suggested changes to the amendments for readoption.

The board voted unanimously to adopt the recalled rule as amended.

6. PRESENTATION

Mr. Robb presented to the board three nonrule policy documents (NPDs): Water-008-NPD: Jan. 1, 2004, Effective Date for Isolated Wetland Determinations; Water-009-NPD: Determining when Compensatory Mitigation is Complete; and Water-010-NPD: Minimum Success Criteria for Wetland Compensatory Mitigation.

7. OPEN FORUM

Ms. Kay Nelson, Northwest Indiana Forum, distributed Lake Michigan Coastal Program posters which were commissioned by Indiana Department of Natural Resources to the water board.

8. ADJOURNMENT

Chairperson Powdrill adjourned the WPCB meeting at 3:28 p.m.

The next WPCB meeting is scheduled for Wednesday, September 13, 2006, at Indiana Government Center-South, Conference Room A, at 1:30 p.m. E.D.T.

CHAIRPERSON

These minutes were derived from Office of Water Quality Rules Section staff notes; however, this meeting was recorded by a court reporter. A typewritten transcript of the entire meeting is on file in the Office of Water Quality, Indiana Department of Environmental Management.